

REMARKS

The claims have been amended according to the revised format described in the notice published in the OG notice dated February 25, 2003. The amendments are described below in conjunction with the rejections made in the Action.

Claims 1-12 are rejected in the Action under 35 U.S.C. §112, second paragraph, as being indefinite. The term "striplike" used in these claims is not considered by the Office to have a definite scope. Although applicants submit that a person of ordinary skill in the art would understand the meaning and scope of the term "striplike", the claims have been amended to delete the term "striplike". The corresponding terminology --in the form of a strip-- has been inserted into the claims.

Claims 1-4 are indicated in the Action to be allowable if amended to overcome the 35 U.S.C. § 112 rejection. The amendments to the claims to delete the term "striplike" overcome the 35 U.S.C. § 112 rejection. Claims 1-4, therefore, should now be allowed.

Claim 12 is also indicated in the Action to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 12 has been

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rewritten in independent form as new claim 13. New claims 14 and 15, corresponding to claims 10 and 11, but dependent on claim 13, have also been added to the application. Claims 13-15 are also allowable.

Claims 5-8 are rejected in the Action under 35 U.S.C. §103(a) as being unpatentable over Bailey (U.S. Patent No. 6,287,719) ("Bailey") in view of DePalma et al. (U.S. Patent No. 5,532,081) ("DePalma") and further in view of Ligeois et al. (U.S. Publication No. 2001/0023038) ("Ligeois"). The position of the Office appears to be that claim 5 reads on the battery of Bailey except that the battery of Bailey does not include a collecting plate having a skirt portion connected to one of the electrode terminals. DePalma is cited as teaching the obviousness of this element. Ligeois is cited as teaching the obviousness of laser welding.

Applicants respectfully submit that claim 5 can not be properly interpreted as reading on the battery of Bailey. Claim 5 recites:

"..., an uncoated portion not coated with the active substance and formed along an edge of the current collector, the uncoated portion

projecting from at least one of axially
opposite ends of the rolled-up electrode unit
(4) to provide a cylindrical projection (40)".

It appears that the Office may be interpreting the recitation
"an uncoated portion not coated with the active substance and
formed along an edge of the current collector" as reading on the
uncoated leading end of the positive electrode and the uncoated
trailing end of the negative electrode of the battery of Bailey.
(Refer to Col. 4, lines 28-37). Notwithstanding that such an
interpretation does not appear to be reasonable, it is not possible
to interpret the recitation of "the uncoated portion projecting
from at least one of axially opposite ends of the rolled-up
electrode unit (4) to provide a cylindrical projection" (emphasis
added) as reading on any portion of the battery of Bailey.

However, to avoid a possible interpretation of the recitation
"an uncoated portion not coated with the active substance and
formed along an edge of the current collector" of claim 5 as
reading on the uncoated leading end of the positive electrode and
the uncoated trailing end of the negative electrode of the battery
of Bailey, claim 5 has been amended to recite that the uncoated

portion formed along an edge of the current collector extends "longitudinally of the current collector".

Since Bailey does not disclose a battery within the scope of claim 5 (except for a collecting plate having a skirt portion connected to one of the electrode terminals), the proposed modification of Bailey will not result in the battery of claim 5. Therefore, the 35 U.S.C. § 103(a) rejection of claims 5-8 is improper and should be removed.

Claims 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bailey and further in view of Yanai et al. (U.S. Patent No. 6,235,426) ("Yanai"). It appears that the Office is also interpreting claim 9 as reading on the battery of Bailey, except for the recitation of the collecting plate.

Bailey has been removed as a reference by amending claim 9 to recite, in the same terms as recited in claim 5 (as amended above), the positive and negative electrodes of the battery of the invention as recited in claim 9 as having an uncoated portion.

It is also noted that although the Office states that "Bailey teaches a base plate adjacent to the terminal cap 14", a base plate is is not described in Bailey. Further, in Fig. 2 of Bailey, while

a conductive tab 56 is coupled to a terminal, the plate that the Office to which the Office apparently refers to as a base plate is not coupled to a terminal. Thus, the base plate in Fig. 2 cannot be interpreted as having the function of a collecting plate.

For the above reasons, the 35 U.S.C. § 103(a) rejection of claims 9-11 is improper and should be removed.

The foregoing is believed to be a complete and proper response to the Office Action dated December 19, 2003, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

The fee of \$84.00 for the excess independent claim (claim 13) added to this application by the above amendments accompanies this response.


PATENT APPLN. NO. 09/804,473
RESPONSE UNDER 37 C.F.R. § 1.111

**PATENT
NON-FINAL**

In the event any additional fees are required, please also
charge our Deposit Account No. 111833.

Respectfully submitted,

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